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7 COUNTY OF SAN JOAQUIN, SHERIFF BAXTER
8 DUNN and SHERIFF's DEPARTMENT
OF SAN JOAQUIN COUNTY

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

13 ROBERT T. BROWN, individually and on behalf of Class of Persons similarly situated,

Plaintiff,

15 || VS.

16 COUNTY OF SAN JOAQUIN, SHERIFF
17 BAXTER DUNN, DEPUTY RICHARD
18 DUNSING, DEPUTY SEMILLO, DEPUTY
MENDEZ, LT. MENDOZA and DOES I
through X inclusive.

Defendants.

CASE NO. CIV.S-04-2008 FCD PAN

**[PROPOSED]
ORDER GRANTING COUNTY'S
MOTION IN PART AND IMPOSING
DISCOVERY SANCTIONS**

Date: January 25, 2006
Time: 9:00 a.m.
Courtroom: 25
Hon. Peter A. Nowinski

22 The County of San Joaquin's Motion for An Order Compelling Discovery and/or
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1 IT IS HEREBY ORDERED THAT the County of San Joaquin's Motion for An Order
2 Compelling Discovery and/or Imposing Discovery Sanctions is granted in part as follows:

- 3 1) The testimony of Plaintiff's proposed expert witness, Jeffrey LeTourneau is
4 excluded from evidence in this action due to the failure of Plaintiff to provide a
5 written expert report at the time of designation of the expert pursuant to the
6 requirements of Rule 26 of the Federal Rules of Civil Procedure and the Court's
7 Status (Pretrial Scheduling) Order; and
8 2) All photographs proffered by the Plaintiff which were taken prior to the date of
9 this order are excluded from evidence in this action with the exception of the
10 photograph taken by Plaintiff's wife of the door of the restroom, which
11 photograph has been produced to the Defendants herein. Plaintiff is also barred
12 from introducing into evidence photographs that attempt or purport to portray the
13 position of the Plaintiff or the arresting officers on the date of the arrest at issue in
14 this action. The parties are free to stipulate to the use of other photographic or
15 video demonstrative exhibits or evidence displaying the general area of the arrest
16 of the Plaintiff at issue in this action including but not limited to the restroom
17 facilities at the McHenry Avenue Recreation Area.

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19 Dated: February 6, 2006 .

By: /s/ Peter A. Nowinski

20 Hon. Peter A. Nowinski
United States Magistrate Judge